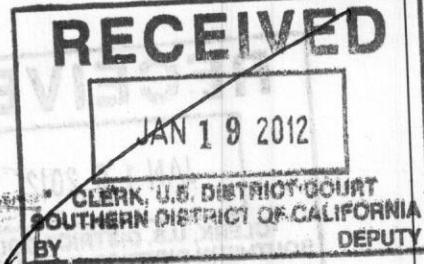


Case Number
~~ORIGINAL~~ ORIGINAL



UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Case No. 12CV0157 BTM NLS

DISH NETWORK L.L.C., ECHOSTAR
TECHNOLOGIES L.L.C., and NAGRASTAR
LLC,

Plaintiffs,

v.

MILES DILLION and DOES 1-10 d/b/a
www.myfreeneeds.tv and
www.myfreeneeds.com,

Defendants.

ORDER GRANTING PLAINTIFFS' EX
PARTE MOTION FOR TEMPORARY
RESTRAINING ORDER, SEIZURE,
AND IMPOUNDMENT

cc. Attns for plaintiffs

cf

Bn

1 Plaintiffs DISH Network L.L.C., EchoStar Technologies L.L.C., and NagraStar LLC
2 (collectively, "Plaintiffs" or "DISH Network") have moved ex parte for a temporary restraining
3 order ("TRO") and order authorizing seizure and impoundment under Fed. R. Civ. P. 65, 17
4 U.S.C. § 1203(b)(1)-(2), and 47 U.S.C. § 605(e)(3)(B)(i), because Defendants Miles Dillion and
5 Does 1 – 10 (collectively, "Defendants") are trafficking in piracy devices in violation of federal
6 laws.

7 This Court, having reviewed the complaint, moving papers, and declarations submitted by
8 DISH Network, finds that:

9 (a) DISH Network is likely to succeed on the merits in showing that Defendants are
10 offering, providing, or otherwise trafficking in pirate software to the public using the
11 www.myfreeneeds.tv and www.myfreeneeds.com domains (collectively, the "MFN domains").
12 The pirate software is primarily designed and used for circumventing the DISH Network security
13 system and assisting others in receiving, intercepting, and decrypting DISH Network satellite
14 television programming without authorization;

15 (b) The continued distribution of pirate software using the MFN domains will result in
16 immediate and irreparable injury to DISH Network if a temporary restraining order and order for
17 the seizure and impoundment of the websites, pirate software, and records pertaining thereto, is
18 not ordered;

19 (c) The resulting harm to DISH Network in not granting the temporary restraining
20 order and order authorizing seizure and impoundment outweighs any injury this relief will cause
21 to Defendants;

22 (d) The public interest will be served by entering a temporary restraining order and
23 order for seizure and impoundment of the MFN domains;

24 (e) Entry of an ex parte order is warranted because Defendants or other persons acting
25 in concert with them, may destroy, move, hide, alter, or otherwise make pirate software, domains,
26 records, and other evidence inaccessible to the Court if DISH Network were to proceed on notice
27 to Defendants, thus frustrating the ultimate relief DISH Network seeks in this action.

28 **THEREFORE**, it is hereby,

1 **ORDERED** that, pending a preliminary injunction hearing to be held as set forth below,
2 Defendants and any of their officers, agents, servants, employees, and those acting in active
3 concert or participation with them who receive actual notice of this Order are **TEMPORARILY**
4 **ENJOINED** and **MUST RESTRAIN** from directly or indirectly:

5 (a) manufacturing, importing, offering to the public, providing, linking to, or
6 otherwise trafficking in (i) pirate software; and (ii) any other device or service used in
7 circumventing DISH Network's security system or intercepting DISH Network programming;
8 (b) receiving or assisting others to receive DISH Network's satellite signal or
9 other electronic communications originating from DISH Network's system without authorization;
10 (c) ~~transferring, removing, encumbering, or permitting withdrawal of any assets or property belonging to Defendants, whether real or personal, tangible or intangible, including cash, bank accounts of any kind, stock accounts, bonds, and title to Defendants' property; and~~
11 (d) destroying, hiding, or altering any books or records, whether in hard copy
12 or electronic form, regarding satellite television websites or domains, businesses, or finances of
13 Defendants, including registration profiles of forum members, Internet Protocol logs, discussion
14 threads, invoices, purchase orders, receipts, shipping records, banking or investment records, or
15 any documents that identify manufacturers, exporters, importers, dealers, purchasers, or website
16 owners and operators of the devices identified in subsection (a) above, or persons involved in
17 operating any Internet Key Sharing ("IKS") server or receiving control words from same.

18 **IT IS FURTHER ORDERED** that Defendants, the registrars of the MFN domains and
19 their affiliates, and the registries of the MFN domains and their affiliates, including Verisign, Inc.,
20 and all others who receive notice of this Order, shall not transfer ownership of the MFN domains
21 during the pendency of this action, except as directed herein, until further order of this Court;

22 **IT IS FURTHER ORDERED** that Defendants, the registrars of the MFN domains and
23 their affiliates, and the registries of the MFN domains and their affiliates, including Verisign, Inc.,
24 and all others who receive notice of this Order, shall immediately change the registrar of record
25 for the MFN domains to a holding account with GoDaddy.com, Inc. provided by Plaintiffs at

1 Plaintiffs' expense. Upon such transfer of the MFN domains into the holding account,
 2 GoDaddy.com, Inc. will hold the MFN domains in trust for the Court during the pendency of this
 3 action. Additionally, GoDaddy.com, Inc. shall immediately update the Domain Name System
 4 ("DNS") data it maintains for the MFN domains, which links the MFN domains to the Internet
 5 Protocol ("IP") addresses where their associated websites are hosted, to the appropriate name
 6 server(s) provided by Plaintiffs, which will cause the MFN domains to resolve to
 7 <http://www.dishnetworkservingnotice.com/myfreeneeds/index.html>, a website registered and
 8 controlled by Plaintiffs, where a copy of the Complaint, Ex Parte Motion for TRO, this Order,
 9 and other documents on file in this action will be displayed. Alternatively, GoDaddy.com, Inc.
 10 may instate domain name forwarding which will automatically redirect any visitor of the MFN
 11 domains to <http://www.dishnetworkservingnotice.com/myfreeneeds/index.html>, a website
 12 registered and controlled by Plaintiffs, where a copy of the Complaint, Ex Parte Motion for TRO,
 13 this Order, and other documents on file in this action will be displayed. Alternatively,
 14 GoDaddy.com, Inc. may use whatever means necessary to accomplish the redirect of the MFN
 15 domains to resolve to <http://www.dishnetworkservingnotice.com/myfreeneeds/index.html>, a
 16 website registered and controlled by Plaintiffs, where a copy of the Complaint, Ex Parte Motion
 17 for TRO, this Order, and other documents on file in this action will be displayed.

18 After GoDaddy.com, Inc. has effected this change, Defendants, registrars, registries, and
 19 all others who receive notice of this Order, are ordered to keep the MFN domains frozen and
 20 placed on lock status to prevent the MFN domains from being modified, sold, transferred to
 21 another owner, or deleted, until further order of this Court. This process shall effectively seize
 22 and impound the MFN domains so that their contents, including the availability of pirate software
 23 files, are no longer accessible on the Internet, until further order of this Court.

24 **IT IS FURTHER ORDERED** that Plaintiffs and/or GoDaddy.com, Inc. may cancel or
 25 reverse any redirect of the MFN domains to another domain name caused by Defendants, thereby
 26 evading the provisions of this Order.

27 **IT IS FURTHER ORDERED** that Defendants, the registrars of the MFN domains and
 28 their affiliates, and the registries of the MFN domains and their affiliates, including Verisign, Inc.,

1 and all others who receive notice of this Order, shall preserve and not destroy any records,
2 including electronic records, relating to the MFN domains and shall take all steps necessary to
3 retrieve electronic records relating to the MFN domains that may have been deleted before the
4 entry of this Order;

5 **IT IS FURTHER ORDERED** that DISH Network is granted leave to provide electronic
6 notice via substituted service via email, and therefore, shall serve a copy of all pleadings and
7 other documents on file in this case, including this Order, on Defendants via email to the known
8 email addresses associated with Defendants as follows:

9 milesforums@hotmail.com;

10 complaints@key-systems.net;

11 contact@privacyprotect.org;

12 *Plaintiffs shall also effect service as provided for by Rule 4*
13 ~~and that such notice via email so given, shall be deemed good and sufficient thereof.~~
14 ~~unless otherwise excused by the Court.~~

15 **IT IS FURTHER ORDERED** that DISH Network is granted leave to provide electronic
16 notice via substituted service via website publication, and therefore, shall post a copy of all
17 pleadings and other documents on file in this case, including this Order, on the website located at
18 <http://www.dishnetworkservingnotice.com/myfreeneeds/index.html>, upon transfer of the MFN
19 domains into the holding account with GoDaddy.com, Inc., ~~and that such notice via website~~
~~publication so given, shall be deemed good and sufficient service thereof.~~

20 **IT IS FURTHER ORDERED** that the bond to be posted by DISH Network is set to ~~zero~~
21 ~~dollars at \$1,00,000 to be provided to the Clerk of Court~~
22 ~~by close of business January 25, 2012.~~

23 **IT IS FURTHER ORDERED** this Temporary Restraining Order shall remain in effect
24 until the date for the show cause hearing on DISH Network's motion for preliminary injunction
set forth below, or until such further dates as set by the Court or stipulated by the parties;

25 **IT IS FURTHER ORDERED** that Defendants shall show cause before this Court,
26 located at 880 Front Street, San Diego, California 92101, on Wednesday, 2012 at
27 2 p.m., or as soon thereafter as counsel can be heard, why an order should not be entered
28 granting DISH Network a **preliminary injunction** in the above form and continuing the

1 impoundment and seizure of the MFN domains under this Order. Defendants are hereby on
2 notice that failure to appear at this hearing may result in the imposition of a preliminary
3 injunction against them pursuant to Fed. R. Civ. P. 65; and

4 **IT IS FURTHER ORDERED** that Defendants' answering papers shall be filed with the
5 Court and served on DISH Network on or before January 30, 2012, and that
6 DISH Network shall file and serve any reply on or before January 31, 2012.
by 3pm

7 Defendants are warned that any act by them in violation of any of the terms of this Order
8 after proper notice to them may be considered and prosecuted as contempt of this Court.

9 **IT IS SO ORDERED:**

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Barry Ted Moskowitz

UNITED STATES DISTRICT JUDGE

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DATE: January 23, 2012

TIME: 4:24 pm